

CHAPTER NO. 589

SENATE BILL NO. 3601

By Curtis S. Person, Jr., Cohen, Crutchfield, Henry, Woodson, Haynes, Kilby, Jackson

Substituted for: House Bill No. 2587

By Fowlkes, Sontany, McMillan

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 3, Part 8, to create the "Tennessee Voluntary Fund For Indigent Civil Representation".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 3, Part 8, is amended by adding the following as a new section:

§ 16-3-814.

(a) This section shall be known and may be cited as the "Tennessee Voluntary Fund for Indigent Civil Representation".

(b)(1) There is established in the state treasury a separate account known as the "Tennessee Voluntary Fund for Indigent Civil Representation". It is the intent of the general assembly that this fund be used to provide supplemental funding for the provision of civil legal representation for indigents. Distribution of the fund as provided in this section shall be administered by the administrative office of the courts.

(2) Contributions to the "Tennessee Voluntary Fund for Indigent Civil Representation" are voluntary and the provisions of this section shall not be construed to require an appropriation from the general fund to establish, maintain, operate, or disburse money from such fund if done in accordance with the provisions of this section.

(c) The "Tennessee Voluntary Fund for Indigent Civil Representation" is authorized to receive contributions from the following sources:

(1) The unpaid residuals from settlements or awards in class action litigation in both state and federal courts, provided any such action has been certified as a class action under Rule 23 of the Tennessee Rules of Civil Procedure or Rule 23 of the Federal Rules of Civil Procedure;

(2) Awards from other actions in a state or federal court when specifically designated by the judge in such action;

(3) Monetary settlements, whether through mediation, arbitration or otherwise, when so designated by a party authorized to do so;

(4) Gifts, contributions, bequests, donations, devises, and grants from any legal and appropriate source to effectuate the purpose of the fund. If any such contributions to the fund are not in the form of money or other negotiable instrument, any income, rents, or proceeds generated from the items contributed shall be deposited into the fund; and

(5) Any other legitimate funding source that is now available or may in the future become available.

(d) Amounts remaining in the fund at the end of the fiscal year shall not revert to the general fund but shall remain available for use as provided in this section. Moneys in the fund shall be invested by the state treasurer pursuant to Title 9, Chapter 4, Part 6, for the sole benefit of such fund.

(e) Any cost associated with the "Tennessee Voluntary Fund for Indigent Civil Representation" shall be paid for by the proceeds of this fund.

(f) When the corpus of the "Tennessee Voluntary Fund for Indigent Civil Representation" reaches or exceeds one million dollars (\$1,000,000), the interest on such corpus shall be distributed in accordance with § 67-4-806(2).

(g)(1) The administrative office of the courts and the Tennessee Alliance for Legal Services may make the judiciary and legal profession aware of and promote the existence and purpose of this fund.

(2) The Tennessee Alliance for Legal Services may also make any materials explaining and promoting the fund available to charitable or philanthropic foundations and other groups or persons who might be interested in contributing to the fund.

(h) Nothing in this section shall be construed to repeal or affect the operation of the civil legal representation of indigents fund created in § 16-3-808. It is the intent of the general assembly that the two (2) funds remain distinct and separate methods to achieve the same goal of providing quality legal representation to indigents in civil actions.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. For the purpose of the treasurer creating the separate account for the fund created by this act, and for the purpose of the treasurer and administrative office of the courts performing any other functions necessary to establish the "Tennessee Voluntary Fund for Indigent Civil Representation" and otherwise implementing the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on September 1, 2006, the public welfare requiring it.

PASSED April 19, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of May 2006


PHIL BREDESEN, GOVERNOR